

## Update: Adoption Proceedings Benchbook

### CHAPTER 3

#### Identifying the Father

#### 3.8 The Paternity Act

##### J. Procedure

Replace the paragraph beginning “**Trial by Jury**” on page 116 with the following paragraph:

**Trial by Jury.** There is no right to a trial by jury in a paternity action. Effective June 5, 1998, 113 PA 1998, “Either party may demand a trial by jury” was deleted from MCL 722.715(1). Previously, MCR 3.217(B) provided that the mother or alleged father could demand a trial by jury. Effective December 23, 2003, the Michigan Supreme Court amended MCR 3.217 by eliminating 3.217(B). The Staff Comment on the amendment indicates that the amendment conforms the court rule to MCL 722.715(1), as amended by 113 PA 1998.

## CHAPTER 4

### Jurisdiction, Venue, and Petition Requirements

#### 4.6 Petition Requirements

##### B. Persons Who May Not Adopt a Child

Effective December 2, 2003, 2003 PA 222 amended MCL 710.22a. MCL 710.22a provides that children may not be adopted by a prospective parent who has been convicted of a specified crime. Prior to the enactment of 2003 PA 222, a prospective parent convicted of a specified criminal sexual conduct crime could not adopt if the victim of the criminal sexual conduct crime was under the age of 18 at the time the crime was committed. 2003 PA 222 prohibits an individual convicted of one of the specified criminal sexual conduct crimes from adoption, regardless of the age of the victim of the criminal sexual conduct.

Therefore, please replace the bulleted list on page 138 with the following bulleted list:

- MCL 750.145a — Accosting, enticing or soliciting a child for immoral purposes. MCL 710.22a(a).
- MCL 750.145c(2) — Creating child sexually abusive material through knowingly persuading, inducing, enticing, coercing, causing, or allowing a child to engage in child sexually abusive activity, or the producing, making or financing of any child sexually abusive activity or material. MCL 710.22a(a).
- MCL 750.145c(3) — Distributing, promoting, or financing the distribution or promotion of any child sexually abusive material. MCL 710.22a(a).
- MCL 750.145c(4) — Possession of child sexually abusive material. MCL 710.22a(a).
- MCL 750.520b — First-degree criminal sexual conduct. MCL 710.22a(b).
- MCL 750.520c — Second-degree criminal sexual conduct. MCL 710.22a(b).
- MCL 750.520d — Third-degree criminal sexual conduct. MCL 710.22a(b).
- MCL 750.520e — Fourth-degree criminal sexual conduct. MCL 710.22a(b).

- MCL 750.520f — A second or subsequent criminal sexual conduct offense or any similar statute of the United States or other states including rape, carnal knowledge, indecent liberties, gross indecency, or an attempt to commit such an offense. MCL 710.22a(b).
- MCL 750.520g — Assault with intent to commit conduct involving penetration. MCL 710.22a(b).
- The law of another state substantially similar to one of the above enumerated crimes. MCL 710.22a(c).

## CHAPTER 5

### Temporary Placements, Investigation Reports, and the Safe Delivery of Newborns

#### 5.3 Prohibited Placements

##### A. Conviction of Child Abuse or Criminal Sexual Conduct

Effective December 2, 2003, 2003 PA 222 amended MCL 710.22a. MCL 710.22a provides that children may not be placed with a prospective parent who has been convicted of a specified crime. Prior to the enactment of 2003 PA 222, a prospective parent convicted of a specified criminal sexual conduct crime could not have a child placed in his or her care if the victim of the criminal sexual conduct crime was under the age of 18 at the time the crime was committed. 2003 PA 222 amended MCL 710.22a to prohibit an individual convicted of one of the specified criminal sexual conduct crimes from having a child placed in his or her care, regardless of the age of the victim of the criminal sexual conduct.

Therefore, please replace the bulleted list beginning on page 164 with the following bulleted list:

- MCL 750.145a — Accosting, enticing or soliciting a child for immoral purposes. MCL 710.22a(a).
- MCL 750.145c(2) — Creating child sexually abusive material through knowingly persuading, inducing, enticing, coercing, causing, or allowing a child to engage in child sexually abusive activity, or the producing, making or financing of any child sexually abusive activity or material. MCL 710.22a(a).
- MCL 750.145c(3) — Distributing, promoting, or financing the distribution or promotion of any child sexually abusive material. MCL 710.22a(a).
- MCL 750.145c(4) — Possession of child sexually abusive material. MCL 710.22a(a).
- MCL 750.520b — First-degree criminal sexual conduct. MCL 710.22a(b).
- MCL 750.520c — Second-degree criminal sexual conduct. MCL 710.22a(b).
- MCL 750.520d — Third-degree criminal sexual conduct. MCL 710.22a(b).
- MCL 750.520e — Fourth-degree criminal sexual conduct. MCL 710.22a(b).

- MCL 750.520f — A second or subsequent criminal sexual conduct offense or any similar statute of the United States or other states including rape, carnal knowledge, indecent liberties, gross indecency, or an attempt to commit such an offense. MCL 710.22a(b).
- MCL 750.520g — Assault with intent to commit conduct involving penetration. MCL 710.22a(b).
- The law of another state substantially similar to one of the above enumerated crimes. MCL 710.22a(c).

## CHAPTER 6

### Formal Placement and Action on the Adoption Petition

#### 6.2 Prohibited Placements

##### A. Conviction of Child Abuse or Criminal Sexual Conduct

Effective December 2, 2003, 2003 PA 222 amended MCL 710.22a. MCL 710.22a provides that children may not be placed with a prospective parent who has been convicted of a specified crime. Prior to the enactment of 2003 PA 222, a prospective parent convicted of a specified criminal sexual conduct crime could not have a child placed in his or her care if the victim of the criminal sexual conduct crime was under the age of 18 at the time the crime was committed. 2003 PA 222 amended MCL 710.22a to prohibit an individual convicted of one of the specified criminal sexual conduct crimes from having a child placed in his or her care, regardless of the age of the victim of the criminal sexual conduct.

Therefore, please replace the bulleted list beginning at the bottom of page 194 with the following bulleted list:

- ♦ MCL 750.145a — Accosting, enticing or soliciting a child for immoral purposes. MCL 710.22a(a).
- ♦ MCL 750.145c(2) — Creating child sexually abusive material through knowingly persuading, inducing, enticing, coercing, causing, or allowing a child to engage in child sexually abusive activity, or the producing, making or financing of any child sexually abusive activity or material. MCL 710.22a(a).
- ♦ MCL 750.145c(3) — Distributing, promoting, or financing the distribution or promotion of any child sexually abusive material. MCL 710.22a(a).
- ♦ MCL 750.145c(4) — Possession of child sexually abusive material. MCL 710.22a(a).
- ♦ MCL 750.520b — First-degree criminal sexual conduct. MCL 710.22a(b).
- ♦ MCL 750.520c — Second-degree criminal sexual conduct. MCL 710.22a(b).
- ♦ MCL 750.520d — Third-degree criminal sexual conduct. MCL 710.22a(b).
- ♦ MCL 750.520e — Fourth-degree criminal sexual conduct. MCL 710.22a(b).

- ♦ MCL 750.520f — A second or subsequent criminal sexual conduct offense or any similar statute of the United States or other states including rape, carnal knowledge, indecent liberties, gross indecency, or an attempt to commit such an offense. MCL 710.22a(b).
- ♦ MCL 750.520g — Assault with intent to commit conduct involving penetration. MCL 710.22a(b).
- ♦ The law of another state substantially similar to one of the above enumerated crimes. MCL 710.22a(c).